

5518. Adulteration of frozen grape pulp. U. S. v. 5 Barrels and 114 Barrels of Frozen Grape Pulp. Decrees of condemnation. Portion of product ordered released under bond for purposes of distillation, and remainder ordered destroyed. (F. D. C. Nos. 9153, 10463. Sample Nos. 15242-F, 19226-F, 19229-F.)

This product was found to contain maggots, and a portion also contained insect fragments.

On January 9 and August 3, 1943, the United States attorneys for the District of Colorado and the District of Massachusetts filed libels against the following quantities of frozen grape pulp: 5 barrels at Boston, Mass., and 114 barrels at Denver, Colo.; alleging that the article, which had been consigned by George W. Haxton & Son, Inc., had been shipped from Sodus, Webster, and Oakfield, N. Y., on or about October 31 and November 23, 1942; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 24, 1943, George W. Haxton & Son, Inc., claimant, having admitted the allegations of the libel against the product at Denver, judgment of condemnation was entered and the product was ordered released under bond to be distilled under the supervision of the Food and Drug Administration. On February 14, 1944, no claimant having appeared for the remaining lot, judgment of condemnation was entered and such lot was ordered destroyed.

5519. Adulteration of prune concentrate juice. U. S. v. 15 Barrels and 4 Drums of Prune Concentrate Juice. Decree of condemnation. Product ordered released under bond for distillation into alcohol. (F. D. C. Nos. 9377, 9450. Sample Nos. 11063-F, 44580-F.)

Examination showed that a portion of this product contained insect larvae, parts and fragments, rodent hair fragments, and mites. The remainder contained worm and insect fragments, rodent-type hairs, and mites.

On or about February 15 and March 1, 1943, the United States attorney for the District of Connecticut filed a libel against 15 barrels and 4 drums of prune concentrate juice at New Haven and Hartford, Conn., respectively, alleging that the article had been shipped in interstate commerce on or about December 30, 1942, and February 1, 1943, from Fresno and Fowler, Calif., by the Raisin Syrup Co.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Smil-O Brand * * * Prune Concentrate Juice."

On July 6, 1943, A. Joseph, sole owner of Raisin Syrup Co., having appeared as claimant and filed a bond, and the libel proceedings having been consolidated, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be distilled into alcohol.

VEGETABLES AND VEGETABLE PRODUCTS

5520. Alleged adulteration of canned mixed vegetables, canned beets, vegetable soup, and tomato soup. U. S. v. G. L. Webster Co., Inc. Plea of not guilty. Trial by jury. Verdict of not guilty. (F. D. C. No. 7210. Sample Nos. 69196-E, 69197-E, 69576-E, 69579-E.)

On July 31, 1942, the United States attorney for the Eastern District of Virginia filed an information against G. L. Webster Co., Inc., Cheriton, Va., alleging shipment on or about March 7 and April 23, 1941, from the State of Virginia into the State of New York of quantities of canned mixed vegetables, beets, vegetable soup, and tomato soup which were alleged to be adulterated in that they consisted in whole or in part of decomposed substances and were otherwise unfit for food. The cases containing the cans were labeled in part: (Cases) "Mixed Vegetables," "Beets," "Vegetable Soup," or "Tomato Soup." The cans were unlabeled.

On July 19, 1943, a plea of not guilty having been entered on behalf of the defendant, the case came on for trial before a jury. The trial was concluded on July 20, 1943 and the jury returned a verdict of not guilty.

5521. Adulteration and misbranding of canned sliced beets. U. S. v. 246 Cases of Sliced Beets. Default decree of condemnation. Product ordered delivered to Veterans Administration. (F. D. C. No. 10115. Sample No. 769-F.)

The average drained weight of the beets in these jars was 14.46 ounces, or 53.6 percent, of the net weight declared. The packing medium was so dark that it was impossible for the purchaser to observe the quantity of beets in the jars.

On June 23, 1943, the United States attorney for the Northern District of Illinois filed a libel against 246 cases of canned sliced beets at Chicago, Ill.,

alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by the Clyman Canning Co. from Clyman, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Aunt Nellies Sliced Beets Salt and Vinegar Added Contents 1 Lb. 11 Oz."

It was alleged to be adulterated in that excessive packing medium had been substituted in whole or in part for beets. It was alleged to be misbranded in that its container was so filled as to be misleading, since several ounces more of sliced beets could be packed in the jars, and this slack-filling was not apparent to the purchaser because of the dark color of the packing medium.

On September 29, 1943, no claimant having appeared, judgment was entered nunc pro tunc as of September 10, 1943, condemning the product and ordering that it be delivered to the Veterans' Administration to be used by that Administration and not sold.

5522. Misbranding of cabbage. U. S. v. James N. Barron, William E. Garland and William H. Russum (Produce Exchange). Pleas of nolo contendere. Fine of \$25 with respect to each individual. (F. D. C. No. 9690. Sample Nos. 6663-F, 6688-F.)

On September 10, 1943, the United States attorney for the Southern District of Mississippi filed an information against James N. Barron, William E. Garland, and William H. Russum, trading as the Produce Exchange at Crystal Springs, Miss., alleging shipment on or about May 11 and 13, 1943, from the State of Mississippi into the State of Tennessee of quantities of cabbage that was misbranded. The article was labeled in part: (Bags) "50 lbs. Net * * * Uniform Brand Round Type Cabbage," or "Victory Brand 50 Lbs. Net Selected Mississippi Round Type Cabbage * * * Distributed By Crystal Produce Co. Crystal Springs, Miss."

It was alleged to be misbranded (1) in that the statement "50 Lbs. Net," borne on the bags, was false and misleading since the weight of the contents of the bags was less than 50 pounds net; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 3, 1944, pleas of nolo contendere having been entered, the court imposed a fine of \$25 upon each individual defendant.

5523. Adulteration of canned corn. U. S. v. 222 Cases of Canned Corn. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10423. Sample No. 37278-F.)

On August 16, 1943, the United States attorney for the District of Maryland filed a libel against 222 cases, each containing 24 cans, of corn at Salisbury, Md., alleging that the article had been shipped in interstate commerce on or about April 27, 1943, by Howard E. Jones & Co. from Oxford, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance by reason of the presence therein of sour and fermented corn. The article was labeled in part: (Can) "Realm Cream Style White Sweet Corn * * * Nationally Distributed by Household Products Co. General Offices, Chicago."

On September 27, 1943, the New Oxford Canning Co., New Oxford, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and destroyed under the supervision of the Food and Drug Administration.

5524. Misbranding of canned peas. U. S. v. 196 Cases and 557 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10719, 10946. Sample Nos. 23743-F, 25384-F, 25385-F.)

On September 9 and October 15, 1943, the United States attorneys for the Eastern District of Pennsylvania and the District of Columbia filed libels against 196 cases of canned peas at Lancaster, Pa., and 557 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 15 and September 7, 1943, by Thomas & Co., from Gaithersburg, Md.; and charging that it was misbranded. The article was labeled in part: (Cans) "Thomas Brand Early June Peas."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard